

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY WAYNE RICHMOND,

Petitioner,

v.

JULIET GARRATT,

Respondent.

Case No. C07-5533 RJB/KLS

ORDER TO AMEND

This habeas corpus petition has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1). Petitioner names Juliet Garratt, “Chairwoman of the Indeterminate Sentence Review Board” as Respondent. 28 U.S.C. § 2243 indicates that writs are to be directed “to the person having custody of the person detained”. This person typically is the superintendent of the facility in which the Petitioner is incarcerated. Failure to name the Petitioner's custodian deprives federal courts of personal jurisdiction. *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994).

ORDER

1 Petitioner is ordered to file an amended petition or a motion to change the case caption and
2 Petitioner must name the superintendent of the facility where he is incarcerated. The new petition
3 or motion must be filed on or before **December 14, 2007** or the Court will recommend dismissal of
4 this petition on jurisdictional grounds.

5 The Clerk is ordered to send copies of this Order to the Petitioner and to note this matter for
6 the Court's **December 14, 2007** calendar.

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8 DATED this 6th day of November, 2007.

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12 Karen L. Strombom
13 United States Magistrate Judge
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ORDER